

ORDINANCE NO. 2010 - 004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **MPC III COMMERCIAL RECREATION (SCA 2010-001)**; MODIFYING PAGE 63 BY CHANGING A 9.02 ACRES PARCEL OF LAND LOCATED EAST OF THE TURNPIKE ON THE SOUTHWEST CORNER OF BELVEDERE ROAD AND CLEARY ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL RECREATION (CR); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

**WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

**WHEREAS**, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

**WHEREAS**, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on December 11, 2009, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing  
2 pursuant to Chapter 163, Part II, Florida Statutes, on January 28,  
3 2010, to review the recommendations of the Local Planning Agency and  
4 to consider adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has  
6 determined that the amendment complies with all requirements of the  
7 Local Government Comprehensive Planning and Land Development  
8 Regulation Act.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

11 **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
12 **Element of the 1989 Comprehensive Plan**

13 The following amendment to the Future Land Use Element's Future  
14 Land Use Atlas is hereby adopted and is attached to this Ordinance:

15 **A. Future Land Use Atlas page 63** is amended as follows:

16 **Application No.:** MPC III Commercial Recreation (SCA 2010-  
17 001)

18 **Amendment:** Low Residential, 2 units per acre (LR-2) to  
19 Commercial Recreation (CR);

20 **General Location:** East of the Turnpike on the Southwest  
21 corner of Belvedere Road and Cleary Road;

22 **Size:** Approximately 9.02 acres;

23 **Part II. Repeal of Laws in Conflict**

24 All local laws and ordinances applying to the unincorporated area  
25 of Palm Beach County in conflict with any provision of this ordinance  
26 are hereby repealed to the extent of such conflict.

27 **Part III. Severability**

28 If any section, paragraph, sentence, clause, phrase, or word of  
29 this Ordinance is for any reason held by the Court to be  
30 unconstitutional, inoperative or void, such holding shall not affect  
31 the remainder of this Ordinance.

32 **Part IV. Inclusion in the 1989 Comprehensive Plan**

33 The provisions of this Ordinance shall become and be made a part  
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
35 Ordinance may be renumbered or relettered to accomplish such, and the  
36 word "ordinance" may be changed to "section," "article," or any other  
37 appropriate word.

1                    **Part V. Effective Date**

2                    This amendment shall not become effective until 31 days after  
3 adoption. If challenged within 30 days after adoption, this amendment  
4 shall not become effective until the state land planning agency or the  
5 Administration Commission, respectively, issues a final order  
6 determining the amendment is in compliance.

7                    **APPROVED AND ADOPTED** by the Board of County Commissioners of  
8 Palm Beach County, on the 28th day of January, 2010.

9  
10 ATTEST:  
11 SHARON R. BOCK, CLERK  
12 AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

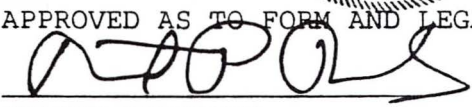
13  
14  
15 By: 

16 Deputy Clerk

By: 

Burt Aaronson, Chair

17  
18 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

19   
20  
21 COUNTY ATTORNEY

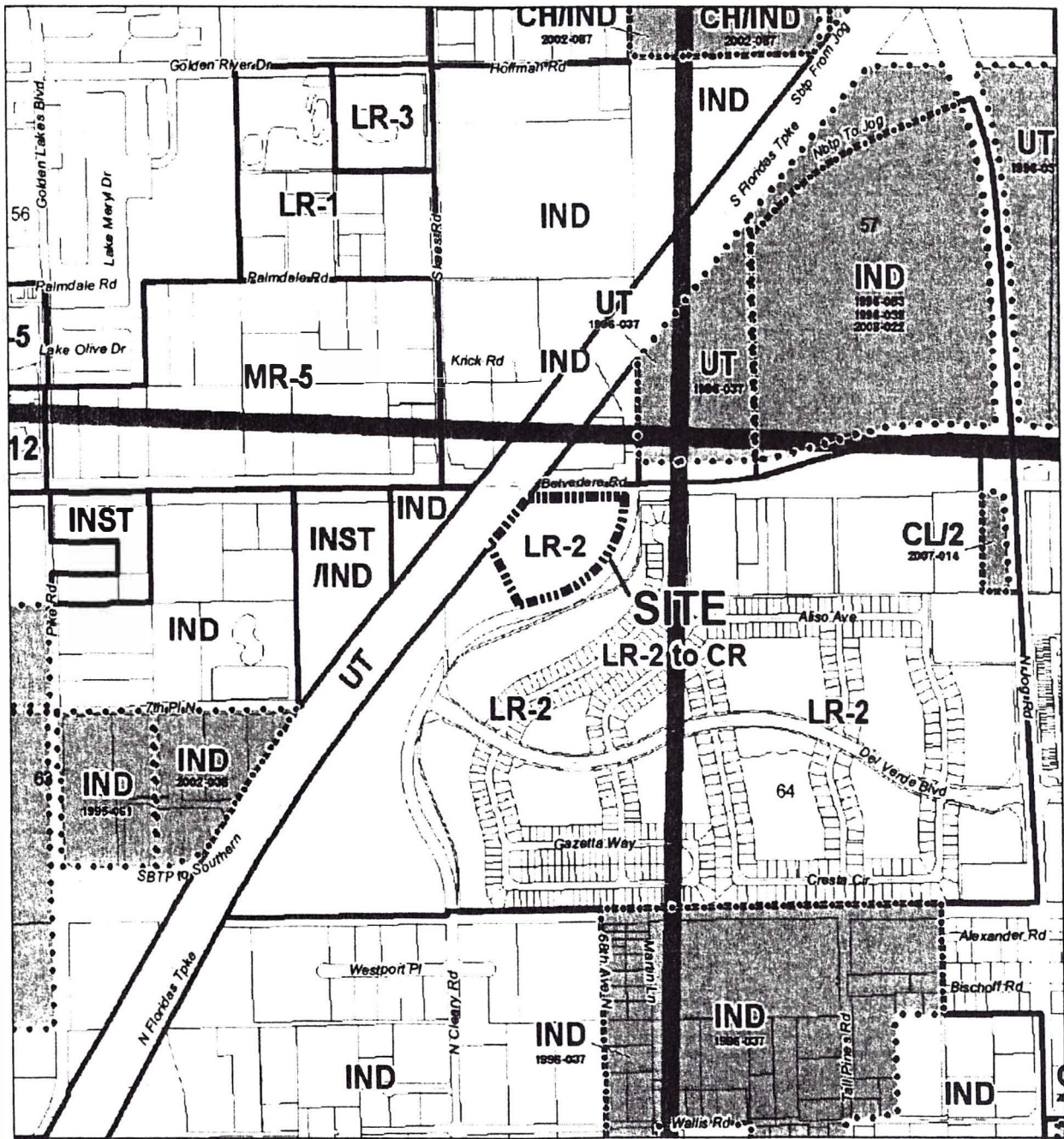
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23 Filed with the Department of State on the 2nd day  
24 of February, 2010.

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EXHIBIT 1

Amendment No.: MPC III Commercial Recreation (SCA 2010-001)  
FLUA Page No.: 63  
Amendment: LR-2 to Commercial Recreation (CR)  
Location: East of the Turnpike on the SW corner of Belvedere Road and Cleary Road  
Size: 9.02 acres  
Property No.: A portion of 00-42-43-27-05-005-0091



## Legal Description

BEING A PARCEL OF LAND BEING A PORTION OF TRACTS 9, 10 AND 11, BLOCK 5, PALM BEACH FARMS COMPANY PLAT No. 3 AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT "LW-3", TERRACINA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 101, PAGES 91 THROUGH 105, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE SOUTH 89°02'42" WEST, ALONG THE WESTERLY PROLONGATION OF THE SOUTH LINE OF SAID TRACT "LW-3, A DISTANCE OF 40.80 FEET TO THE INTERSECTION THEREOF WITH THE EASTERLY PROLONGATION OF THE SOUTH LINE OF TRACT 24, BLOCK 6, OF SAID PALM BEACH FARMS COMPANY PLAT No. 3; THENCE SOUTH 89°04'57" WEST, ALONG SAID PROLONGED LINE AND SOUTH LINE OF TRACT 24, A DISTANCE OF 39.20 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF THAT 80.00 FOOT RIGHT OF WAY FOR CLEARY ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 18457 AT PAGE 0961, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID WEST RIGHT OF WAY OF CLEARY ROAD THE FOLLOWING SEVEN (7) COURSES; THENCE NORTH 00°58'54" WEST, A DISTANCE OF 1.10 FEET; THENCE NORTH 02°59'50" WEST, A DISTANCE OF 97.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS 676.00 FEET AND A CENTRAL ANGLE OF 28°17'22"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 333.77 FEET TO THE POINT OF TANGENCY; THENCE NORTH 31°17'12" WEST, A DISTANCE OF 158.95 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 756.00 FEET AND A CENTRAL ANGLE OF 60°02'35"; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 792.25 FEET TO A POINT OF TANGENCY; THENCE NORTH 28°45'23" EAST, A DISTANCE OF 279.44 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 757.00 FEET AND A CENTRAL ANGLE OF 46°07'23"; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE A DISTANCE OF 609.38 FEET TO A POINT OF TANGENCY; THENCE NORTH 74°52'47" EAST, 114.61 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL:

THENCE NORTH 34°27'35" WEST, DEPARTING SAID RIGHT OF WAY, A DISTANCE OF 399.38 FEET TO A POINT ON A LINE THAT IS 25.00 FEET SOUTHEAST OF AND PARALLEL WITH THE EAST LINE OF THE FLORIDA TURNPIKE RIGHT OF WAY AS SHOWN ON THE SUNSHINE STATE PARKWAY RIGHT OF WAY MAP STATION

2630+00 TO STATION 2703+28.33 PALM BEACH COUNTY, DATED JULY 12, 1955, SHEET 12 OF 13 AND DESCRIBED AS PARCEL 39 IN LIS PENDENS BOOK 25, PAGES 582-584; THENCE NORTH 40°39'09" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 361.75 FEET TO A POINT ON A LINE THAT IS 99.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH 28.00 FEET OF SAID TRACTS 9 AND 10, BLOCK 5; THENCE NORTH 89°03'22" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 723.06 FEET TO A POINT ON THE PREVIOUSLY DESCRIBED WEST RIGHT OF WAY LINE OF CLEARY ROAD, SAID POINT ALSO BEING A POINT ON A CURVE NON-TANGENT TO THE LAST-DESCRIBED LINE, SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 677.00 FEET, A CENTRAL ANGLE OF 66°08'52" AND A RADIAL LINE TO SAID POINT BEARS SOUTH 81°16'05" EAST; THENCE SOUTHWESTERLY, ALONG SAID WEST RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 781.59 FEET TO A POINT OF TANGENCY; THENCE SOUTH 74°52'47" WEST, CONTINUING ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 248.70 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 393,118 SQUARE FEET OR 9.02 ACRES MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on January 28, 2010

dated at West Palm Beach, FL on 2/8/10  
By: Diane Brown  
Deputy Clerk

